

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED

NOV 09 2015

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JODY RAY KOESTLER,

Defendant.

CR 15-27-BU-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to Counts V and VII of the Indictment charging him with Theft of Government Funds and Making False Statements pursuant to 18 U.S.C. §§ 641 and 1001, respectively. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I-IV, VI, VIII, and IX of the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,
2. That the Defendant is aware of the nature of the charges against him and

consequences of pleading guilty to the charges,

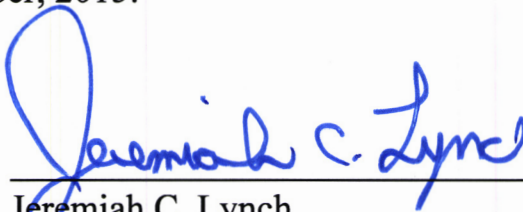
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and

4. That the pleas of guilty are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts V and VII of the Indictment, and that sentence be imposed. I further recommend that Counts I-IV, VI, VIII, and IX of the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 9th day of November, 2015.



Jeremiah C. Lynch
United States Magistrate Judge